IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6968 OF 2003

Shri Shivaji Maratha Society & Ors... Petitioners.

Versus

Jaisingrao Yeshwantrao Jedhe.. .... Respondent.

Mr. G. S. Godbole for the Petitioners.

Mr. V. T. Mujumdar for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 14, 2005.

P.C.:

Rule. By consent, Rule made returnable forthwith and taken up for hearing.

2. Mr. Mujumdar, learned Counsel appears and waives service of Rule on behalf of the Respondent.

3. The Petitioner has challenged the order dated 31st July, 2003 passed by the Deputy Charity Commissioner, Pune Region, Pune in Application No. 26 of 2003, whereby the following directions have been given:-

1) Application is partly allowed.

2) The Opponent being the Treasurer of the applicant No.1 Trust is directed to put the signatures on the cheques along with signature of Head of particular institution run by the trust, where two signatures are being made on the cheque.

3) The Opponent is further directed to put signatures on the cheque alone, wherever signatures of Secretary and the Treasurer are being taken.

4) It is further directed that, opponent shall put the signatures on the cheques in order to withdraw the amounts in making payments of the employees and in regard to the urgent and sundry expenses which are required for day to day administration of the Trust.

5) In case the Opponent declined to put signatures on the cheques for withdrawal of amounts on above referred objects, then the cheques can be signed by head of particular institution wherever it is relevant and in case where cheque is required to be signed by the Opponents alone for want of Secretary, then the cheques can be signed by the

President of the Trust.

6) It is made clear that in order to make the withdrawal of amounts by cheque convenient as per this order, the trust can submit this order in the relevant Banks in order to encash the amount of cheque from the Bank without any difficulty.

4. After hearing the matter for some time, both the learned Counsel have consented to the following order:

(1) That the impugned order dated 31st July, 2003 be set aside.

(2) The matter be remitted back to the Deputy Charity Commissioner, Pune Region, Pune for a fresh decision in accordance with law after taking into account the true effects, meaning and purposes of Articles 20, 21 and 22 of the Constitution of the Trust at Exhibit "A" to the petition.

5. Rule made absolute in terms aforesaid. Petition is disposed of accordingly. No order as to costs.

Sd/-

S. A. BOBDE, J.